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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

TREVER FRODSHAM, by and
through conservator, Fleming and Curti,
PLC,

Plaintiff,

vs.

STATE OF ARIZONA, a body politic;
CATHOLIC COMMUNITY
SERVICES OF SOUTHERN
ARIZONA, INC., an Arizona non-
profit corporation; ARIZONA
PARTNERSHIP FOR CHILDREN,
LLP, an Arizona limited liability
partnership; CATHOLIC CHARITIES
COMMUNITY SERVICES, INC., an
Arizona corporation; THE
DEVEREUX FOUNDATION, d/b/a
DEVEREUX ADVANCE
BEHAVIORAL HEALTH and
DEVEREUX ADVANCED
BEHAVIORAL HEALTH ARIZONA,
a Pennsylvania non-profit corporation;
DAVID FRODSHAM, an individual;
BARBARA FRODSHAM, an
individual; CLARENCE CARTER, in
his personal and official capacity as

NO. _____

NOTICE OF REMOVAL

(Assigned to Hon. _____)

Director of the Arizona Department of Economic Security; VICKI MARTZKE, in her personal and official capacity as an employee of the Arizona Department of Child Safety; JANE AND JOHN ROES 1-50, individuals; and ROE CORPORATIONS 1-50, entities of form unknown,

Defendants.

Defendant State of Arizona (the “State”), pursuant to 28 U.S.C. § 1441, *et seq.*, hereby removes to this Court the state court action described below, submits this Notice of Removal, and shows the Court the following:

1. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C.A. § 1331, and is one which may be removed to this Court by the State pursuant to the provisions of 28 U.S.C.A. § 1441(a) in that one of the claims against the State and other Defendants arises under 42 U.S.C. § 1982.

2. On March 29, 2022, an action was commenced in the Superior Court of Arizona in and for the County of Cochise, Case No. S-0200-CV-202200149, naming the following Defendants: State of Arizona; Catholic Community Services of Southern Arizona, Inc.; Arizona Partnership for Children, LLP; Catholic Charities Community Services, Inc.; the Devereux Foundation; David Frodsham; and Barbara Frodsham.

3. On April 6, 2022, Plaintiff served, and the State received, a copy of the Complaint and Summons.

4. On April 8, 2022, Plaintiff served, and the State received, a copy of the First Amended Complaint filed by Plaintiff on the same date.

5. The First Amended Complaint named as additional Defendants for the first time Vicki Martzke and Clarence Carter.

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1 6. On April 25, 2022, the Superior Court of Arizona in and for the County of
2 Cochise entered an Order transferring the above-described action to the Superior Court of
3 Arizona in and for the County of Maricopa.

4 7. On May 5, 2020, the Clerk of the Court of Arizona, in and for the County of
5 Cochise transferred the file in this action to the Clerk of the Superior Court, in and for the
6 County of Maricopa.

7 8. As of the filing of this Notice of Removal, the following Defendants have been
8 served by Plaintiff: the State of Arizona; Catholic Community Services of Southern Arizona,
9 Inc.; Catholic Charities Community Services, Inc.; the Devereux Foundation; David
10 Frodsham; Barbara Frodsham; Vicki Martzke; and Clarence Carter (the “Served
11 Defendants”). All of the Served Defendants consent to and join in this Notice of Removal.

12 9. Copies of all documents contained in the state court’s file are attached hereto
13 as **Exhibit A**.

14 10. On the date set forth below, a copy of this notice is being served on Plaintiff’s
15 attorney.

16 11. As of the filing of this Notice of Removal, the Superior Court of Arizona in and
17 for the County of Maricopa has not yet received the file in this case from the Superior Court
18 of Arizona in and for the County of Cochise or assigned the above described action a case
19 number. Therefore, the State cannot file a copy of this notice with the Clerk of the Superior
20 Court, in and for the County of Maricopa at this time. Out of an abundance of caution and in
21 compliance with LRCiv. 3.6(a), the State has filed a copy of this Notice of Removal in the
22 Superior Court of Arizona, in and for the County of Cochise. The State will “promptly” file
23 a copy of this Notice of Removal with the Clerk of the Superior Court of Arizona, in and for
24 the County of Maricopa as soon as the case is assigned a case number. *See* 42 U.S.C. §
25 1446(d).

12. Pursuant to 28 U.S.C. § 1444, *et seq.*, the State hereby removes this action currently pending in the Superior Court in and for the County of Maricopa to this Court, which is the District Court of the United States for the district embracing the place where the state court action is pending.

DATED this May 6, 2022.

RUSING LOPEZ & LIZARDI, P.L.L.C.

/s/ Mark D. Lammers

Michael J. Rusing
Mark D. Lammers
Sarah S. Letzkus
Attorneys for Defendant, State of Arizona

ORIGINAL of the foregoing e-filed
this May 6, 2022.

COPY e-served this May 6, 2022 to:

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By: /s/ Aneta Wrzeszcz

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